

PART 564—REPLACEABLE LIGHT SOURCE INFORMATION

In consideration of the foregoing, 49 CFR part 564 is amended as follows:

1. The authority citation for part 564 is revised to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, 30166; delegation of authority at 49 CFR 1.50.

2. Part 564 is amended by revising paragraphs 564.1, 564.2, 564.3, and 564.5 to read as follows:

§ 564.1 Scope.

This part requires the submission of dimensional, electrical specification, and marking/designation information, as specified in Appendix A of this part, for original equipment replaceable light sources used in motor vehicle headlighting systems.

§ 564.2 Purposes.

The purposes of this part are:

- (a) to make available to replacement light source manufacturers the manufacturing specifications of original equipment replaceable light sources, thereby ensuring that replacement light sources are interchangeable with original equipment light sources and provide equivalent performance; and
- (b) to ensure that newly developed replaceable light sources are designated as distinct and different from, and are noninterchangeable with, previously existing light sources.

§ 564.3 Applicability.

This part applies to replaceable light sources used as original equipment in motor vehicle headlighting systems.

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§ 564.5 Information filing; agency processing of filings.

(a) Each manufacturer of a motor vehicle, original equipment headlamp, or original equipment headlamp replaceable light source, which intends to manufacture a replaceable light source as original equipment or to incorporate a replaceable light source in its headlamps or motor vehicles, other than a replaceable light source meeting the requirements of subparagraphs (a) through (e) of paragraph S7.7 of section 571.108 of this part, shall furnish the information specified in Appendix A of this part to: Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Attn: *Replaceable Light Source Information* Docket No. 93-11 (unless the agency has already filed such information in Docket No. 93-11).

(b) The manufacturer shall submit the information specified in Appendix A of

this part not later than 60 days before it intends to begin the manufacture of the replaceable light source to which the information applies, or to incorporate the light source into a headlamp or motor vehicle of its manufacture. Each submission shall consist of one original set of information and 10 legible reproduced copies, all on 8½ by 11-inch paper.

(c) The Associate Administrator promptly reviews each submission and informs the manufacturer not later than 30 days after its receipt whether the submission has been accepted. Upon acceptance, the Associate Administrator files the information in Docket No. 93-11. The Associate Administrator does not accept any submission that does not contain all the information specified in Appendix A of this part, or whose accompanying information indicates that any new light source which is the subject of a submission is interchangeable with any replaceable light source specified in paragraph S7.7 of section 571.108 of this part, or for which the agency has previously filed information in Docket No. 93-11.

(d) A manufacturer may request modification of a light source for which information has previously been filed in Docket No. 93-11, and the submission shall be processed in the manner provided by paragraph 564.5(c). A request for modification shall contain the following:

- (1) All the information specified in Appendix A of this part that is relevant to the modification requested,
- (2) The reason for the requested modification,
- (3) A statement that use of the light source as modified will not create a noncompliance with any requirement of Motor Vehicle Safety Standard No. 108 (49 CFR 571.108) when used to replace an unmodified light source in a headlamp certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards, together with reasons in support of the statement; and
- (4) Information demonstrating that the modification would not adversely affect interchangeability with the original light source.

After review of the request for modification, the Associate Administrator may seek further information either from the manufacturer or through a notice published in the **Federal Register** requesting comment on whether a modified light source incorporating the changes requested will create a noncompliance with Motor Vehicle Safety Standard No. 108 when substituted for an unmodified light

source. If the Associate Administrator seeks comment public comment on a submission, (s)he shall publish a further notice stating whether (s)he has accepted or rejected the submission. If a submission is accepted, the Associate Administrator files the information in Docket No. 93-11. If a submission is rejected, a manufacturer may submit information with respect to it, as provided in paragraph 564.5(a), for consideration as a new light source after such changes as will ensure that it is not interchangeable with the light source for which modification was originally requested.

(e) Information submitted under this section is made available by NHTSA for public inspection as soon as practicable after its receipt, but not later than the date on which a vehicle equipped with a new or revised replaceable light source is offered for sale.

Issued on: March 9, 1995.

Ricardo Martinez,
Administrator.

[FR Doc. 95-6378 Filed 3-15-95; 8:45 am]

BILLING CODE 4910-59-P

49 CFR Part 583

[Docket No. 92-64; Notice 06]

RIN 2127-AF60

Motor Vehicle Content Labeling

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final Rule; Partial Response to Petitions for Reconsideration.

SUMMARY: The American Automobile Labeling Act requires passenger cars and other light vehicles to be labeled with information about their domestic and foreign parts content. This document provides a partial response to several petitions for reconsideration of the agency's July 1994 final rule implementing that statute. NHTSA is extending by one year a temporary compliance alternative for how manufacturers and suppliers may make content calculations.

DATES: This regulation is effective April 17, 1995. Petitions for reconsideration must be received not later than April 17, 1995.

ADDRESSES: Petitions for reconsideration should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, National Highway Safety

Administration, Room 5313, 400 Seventh Street SW, Washington, DC 20590 (202-366-0846).

SUPPLEMENTARY INFORMATION: On July 21, 1994, NHTSA published in the **Federal Register** (59 FR 37294) a final rule implementing the American Automobile Labeling Act. That statute requires passenger cars and other light vehicles to be labeled with information about their domestic and foreign parts content.

NHTSA received petitions for reconsideration from the American Automobile Manufacturers Association, General Motors, the Association of International Automobile Manufacturers, Volkswagen, the American International Automobile Dealers Association, and the Kentucky Cabinet for Economic Development. The petitioners raised a number of issues about provisions which they regard as overly burdensome and likely to have the effect of requiring manufacturers to report inaccurate percentages of domestic content. Some of the petitioners' requests raised very complex issues concerning the latitude the agency has under the law to grant the requested relief.

NHTSA is now in the process of completing its response to the petitions. It recognizes, however, that manufacturers and suppliers have an immediate need for guidance regarding the procedures for making content determinations for the 1996 model year. Indeed, manufacturers are already in the process of collecting content data from suppliers for the 1996 model year.

NHTSA has therefore decided to extend by one year a temporary alternative approach for data collection and calculations. This approach permits manufacturers and suppliers to use procedures that are expected to yield similar results. This alternative was originally available, under the July 1994 final rule, for model year 1995 and model year 1996 carlines which were first offered for sale to ultimate purchasers before June 1, 1995. The alternative is hereby extended to all model year 1996 carlines and model year 1997 carlines which are first offered for sale to ultimate purchasers before June 1, 1996. The one-year extension of the alternative will ensure that consumers receive the best information possible about the foreign and U.S./Canada origin of vehicles they are considering purchasing during this period, while minimizing burdens on auto manufacturers. For a more complete discussion of this alternative, see 59 FR 37324-25, July 21, 1994.

This final rule is being issued in partial response to the petitions for

reconsideration. The agency expects to complete its full response to the petitions shortly.

Rulemaking Analyses and Notices

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has considered the impacts of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866. The July 1994 final rule was determined to be "significant" under the Department's regulatory policies and procedures, given the degree of public interest and the relationship to other Federal programs and agencies, particularly those related to international trade. However, this final rule is not considered significant since it merely extends a temporary compliance option permitted under that final rule.

NHTSA discussed the costs associated with the July 1994 rule in a Final Regulatory Evaluation which was placed in the docket for that rulemaking. Today's amendments reduce manufacturer and supplier costs during the time of the extension by simplifying the process for making content determinations.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, the agency has considered the impact this rulemaking will have on small entities. I certify that this action will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis is not required for this action. Although certain small businesses, such as parts suppliers and some vehicle manufacturers, are affected by the regulation, the effect on them is minor. More specifically, the amendment provides small cost savings during the time of the extension by simplifying the process for making content determinations.

C. National Environmental Policy Act

The agency has analyzed the environmental impacts of the regulation in accordance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, and has concluded that it will not have a significant effect on the quality of the human environment.

D. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rule does not have sufficient

Federalism implications to warrant the preparation of a Federalism Assessment.

E. Paperwork Reduction Act

There are no reporting and recordkeeping requirements associated with this final rule.

F. Executive Order 12778 (Civil Justice Reform)

This rule does not have any retroactive effect. States are preempted from promulgating laws and regulations contrary to the provisions of the rule. The rule does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

List of Subjects in 49 CFR Part 583

Motor vehicles, Imports, Labeling, Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 583 is amended as follows:

PART 583—AUTOMOBILE PARTS CONTENT LABELING

1. The authority citation for part 583 continues to read as follows:

Authority: 49 U.S.C. 32304, 49 CFR 1.50, 501.2(f).

2. Section 583.5 is amended by revising paragraph (i) to read as follows:

§ 583.5 Label requirements.

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(i) Manufacturers need not provide any of the information provided in this part for model year 1994 vehicles. For model year 1995 and model year 1996 carlines, and for model year 1997 carlines which are first offered for sale to ultimate purchasers before June 1, 1996, manufacturers and suppliers may, instead of following the calculation procedures set forth in this part, use procedures that they expect, in good faith, to yield similar results.

Issued on March 13, 1995.

Ricardo Martinez,

Administrator.

[FR Doc. 95-6518 Filed 3-15-95; 8:45 am]

BILLING CODE 4910-59-P